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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,549	08/10/2000	Yevgeniy Eugene Shteyn	US000209	7153

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1109 MCKAY DRIVE  
MAIL STOP SJ41  
SAN JOSE, CA 95131

EXAMINER

LIM, KRISNA

ART UNIT PAPER NUMBER

2153

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/635,549

Applicant(s)

SHTEYN, YEVGENIY EUGENE

Examiner

Krisna Lim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

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1. After the decision by the Board of Patent Appeals and Interferences on September 27, 2006, the prosecution on the merits of this application is reopened on all pending claims 1-4 and 6-16.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "a user-input for initiating retrieval of data from a server under control of a predetermined URL or an identifier therefor associated with the apparatus"; "the predetermined URL or identifier therefor being stored on the home network", "a memory for storage of the URL or identifier therefor", "an Internet-access functionality", "the URL or identifier therefor is programmable", "wireless signal", "a file at the server", and the detail of those method steps must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. Claims 1, 6, 11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements or steps. See MPEP § 2172.01. The omitted elements are: a) Internet gateway 118; b) the Internet 112; c) the network 106 and other necessarily hardware. Thus, without those missing essential elements mentioned above, the retrieval of content data from a server could not be done. It is impossible that the content data could be retrieved under control of a predetermined URL or an identifier. See the specification page 3, last 2 paragraphs; page 8, paragraph 2, etc.

4. Claims 1-4 and 6-16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) "the apparatus" at claims 1-4 and 11, lacks a clear antecedent basis. Applicant is suggested to change it to "the consumer apparatus".

b) "the proxy" in claims 7-10, lacks a clear antecedent basis. Applicant is suggested to change it to "the proxy device".

c) "the URL" in claims 7-8 lacks a clear antecedent basis.

d) "comprising" in claims 14-16, applicant is suggested to added "the step of" after it.

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e) 1-, 6, 11 and 13, it is unclear how can the content data be retrieved from a server under control of a predetermined URL or an identifier. What does the applicant mean by "under control of a predetermined URL or an identifier?"

f) in claim 8, it is not understood how the URL or identifier is programmable. What or who and how this URL is programmed?

g) in claim 12, it is not understood how an identifier represents a URL?

h) "the identifier" in claims 13-16 lack clear antecedent basis.

5. It is requested that a future correspondence from applicants have line numbering for the recitation of claims, if possible, as this will aid in the future correspondence from the examiner.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-4 and 6-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Humpleman et al. [U.S. Patent No. 6,546,419].

8. Humpleman et al. anticipated (e.g., see Figs. 1-24) the invention substantially as claimed. Taking claim 1 as an exemplary claim, the reference disclosed a consumer apparatus (Home Network) responsive to a user-input (human input) for initiating retrieval of data from a server under control of a predetermined URL or an identifier therefor associated with the consumer apparatus, the data represented context information about the context of usage of the consumer apparatus (e.g., see the table 2

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of Fig. 11, human input of Fig. 9, appliances with a microprocessor and communication interface, Home Network, col. 1 (lines 38-39), col. 4 (lines 54-65), col. 10).

9. As to claim 2, Humpleman et al. further anticipated the consumer apparatus configured for use and inclusion on a home network and having an Internet-access functionality (e.g., see col. 1, line 38-39) through the home network, the predetermined URL or identifier therefor being stored on the home network (e.g., see table 2 of Fig. 11).

10. As to claim 3, Humpleman et al. further anticipated the consumer apparatus comprising a memory for storage of the URL or identifier therefor (e.g., see home network interface library of Figs. 17, 20 and 22).

11. As to claim 4, Humpleman et al. further anticipated the consumer apparatus, wherein: the consumer apparatus has a remote control device (e.g., see Figs. 8 and 14, col. 1 (line 63)); and the device has a dedicated button for initiating the retrieval of the data (e.g., see col. 1, lines 43-44).

12. Claims 6-16 are rejected for the same rationale as claims 1-4, since they recite similar subject matter with the addition features of:

- a) proxy device (proxy device is known in the art);
- b) the URL or identifier is programmable (it is inherently done so by the microprocessor of each device);
- c) creating database of URL or identifiers per user (home network interface library of Figs. 17, 20 and 22); and
- d) providing the consumer apparatus with a URL or other identifier for a web page (e.g., see Fig. 14, device XML interface of Fig. 20).

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

December 1, 2006



KRISNA LIM  
PRIMARY EXAMINER